

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KELLYANN TOMMELL,

Plaintiff,

v.

CASE NO. 3:22-cv-1317-HES-MCR

PERFORMANCE ENGINEERING
GROUP, INC.,

Defendant.

_____ /

REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court on the Court's June 23, 2023 Order (Doc. 26).

On May 11, 2023, the Court entered an Order, granting Plaintiff's counsel's motions to withdraw from this case and directing Plaintiff to either employ new counsel or file a notice with the Court indicating that she would be proceeding *pro se* no later than June 12, 2023. (Doc. 24.) Plaintiff was warned that: "Failure to comply with [the] Order may result in the imposition

¹ "Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed.R.Civ.P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed.R.Civ.P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.

of sanctions without further notice.” (*Id.* at 3.) The Order was mailed and emailed to Plaintiff on May 12, 2023. (*See* Doc. 25.)

When Plaintiff failed to comply with the Court’s May 11, 2023 Order, on June 23, 2023, the undersigned entered an Order, directing Plaintiff to show cause in writing, on or before July 12, 2023, why sanctions should not be imposed for her failure to comply with the directives of the Court’s May 11, 2023 Order. (Doc. 26.) Plaintiff was warned that: “Failure to respond to [the] Order will likely result in the imposition of sanctions without further notice.” (*Id.* at 2.) The Court’s June 23, 2023 Order was mailed to Plaintiff on or before June 26, 2023.

To date, Plaintiff has not complied with the Court’s Orders (Docs. 24 & 26), and has not sought an extension of time to comply. In fact, Plaintiff has not even responded to the Court’s Orders. Based on the foregoing, the undersigned recommends that this action be dismissed for lack of prosecution. *See* M.D. Fla. R. 3.10.

Accordingly, it is **RECOMMENDED** that this action be **DISMISSED without prejudice** and the Clerk of Court be directed to terminate any pending motions and close the file.

DONE AND ENTERED at Jacksonville, Florida, on July 18, 2023.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Harvey E. Schlesinger
Senior U.S. District Judge

Counsel of Record

Pro Se Party